

AUG 31 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

TRANSPORT WORKERS UNION OF
AMERICA,

Plaintiff - Appellant,

v.

HAWAIIAN AIRLINES, INC.,

Defendant - Appellee.

No. 09-15913

D.C. No. 1:08-cv-00524-ACK-
KSC

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Hawaii
Alan C. Kay, District Judge, Presiding

Submitted August 20, 2009^{**}

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

This appeal from the district court's order denying appellant's motion for a preliminary injunction comes to us for review under Ninth Circuit Rule 3-3. We have jurisdiction under 28 U.S.C. § 1292(a)(1), and we affirm.

We express no view on the merits of the complaint. Our sole inquiry is whether the district court abused its discretion in denying preliminary injunction relief. *See Guzman v. Shewry*, 552 F.3d 941, 948 (9th Cir. 2009). We conclude that the district court did not rely on an erroneous legal premise or abuse its discretion in concluding that appellant failed to demonstrate a likelihood of success as to its claim that Hawaiian Airlines unlawfully violated the Railway Labor Act, and in denying preliminary injunctive relief. *See id.* Accordingly, we affirm the district court's order denying the preliminary injunction.

AFFIRMED.